

REMARKS UNDER 37 CFR § 1.111

Formal Matters

Claims 1, 4, 7, 9-13, 15, 16 and 21-22 are pending after entry of the amendments set forth herein.

Claims 4, 7, 12 and 13 are amended for clarity.

New claims 21 and 22 are added, and depend from claims 7 and 13, respectively. Support for these new claims is found in original claims 7 and 13.

Claims 17, 19, and 20 are canceled without prejudice to renewal. Applicants expressly reserve their right to pursue the subject matter of the canceled claims in a continuing application.

The amendments presented herein do not raise new issues, but rather place the claims in form for allowance. Applicants respectfully request reconsideration of the application in view of the remarks made herein.

No new matter has been added.

Allowable Subject Matter

Applicants express their gratitude to the Examiner for indicating in the Office Action at page 4, item 8 that claims 1, 4, 7, 9-13, 15 and 16 were free of the prior art. Applicants have presented amendments here to avoid the rejections of claims 4, 7, 12 and 13 under § 112, ¶2. Thus, claims 1, 4, 7, 9-13, 15 and 16 are in form for allowance.

Rejections under §112, ¶2

Claims 4, 7, 12 and 13 were rejected as being indefinite under §112, ¶2. Each rejection is addressed below.

A) Claim 4

Claim 4 was rejected for recitation of “the host cell” as the Office indicated it was not clear to which host cell this term refers. Claim 4 is amended to avoid this rejection.

B) Claim 7

Claim 7 was rejected for recitation of “each host cell” on the grounds that it was not clear to which host cell this term refers. Claim 7 is amended to avoid this rejection.

C) Claim 12

Claim 12 was rejected for recitation of “the host cell” on the grounds that it was not clear to which host cell this term refers. Claim 12 is amended to avoid this rejection.

D) Claim 13

Claim 13 was rejected for recitation of “each host cell” on the grounds that it was not clear to which host cell this term refers. Claim 7 is amended to avoid this rejection.

Conclusion regarding rejections under §112, ¶2

In view of the above, applicants request withdrawal of the rejections of the claims under §112, ¶2.

Rejection under §102(a)

Claims 17, 19 and 20 were rejected as being anticipated by Lockhart et al. (US 6,333,144).

Without conceding as to this ground of rejection, claims 17, 19 and 20 are canceled without prejudice. Applicants note that Lockhart et al. neither teaches nor suggests the methods of the remaining pending claims, as noted by the Examiner (see Office Action page 4, Item 8).

Withdrawal of this rejection is respectfully requested.

Conclusion

Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number STAN-153.

Respectfully submitted,
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